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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/782,305      | 02/18/2004  | Akechi Yano          | M-15322 US          | 4271             |

7590 01/25/2006

Theodore P. Lopes  
MacPHERSON, KWOK CHEN & HEID LLP  
Suite 226  
1762 Technology Drive  
San Jose, CA 95110

EXAMINER

HAUGLAND, SCOTT J

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3654

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/782,305

**Applicant(s)**

YANO, AKECHI

**Examiner**

Scott Haugland

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/23/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, 9, 11, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gomi (U.S. Pat. No. 4,394,949).

Gomi discloses a roll 8 for feeding substrate material comprising: a sheet roller configured to rotate about a first axis and having a circumference and a surface layer; and a plurality of salient members (raised portions on which pins 81 are mounted) disposed on the surface layer to extend along the first axis at intervals about the circumference. A fold line substantially perpendicular to a direction of travel would inherently be formed across a width of the substrate material as it passes over the salient members. The claimed method is inherent in the operation of the apparatus of Gomi.

Claims 1-3, 7-12, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lesse (U.S. Pat. No. 4,838,468).

Lesse discloses a roll 1 for feeding substrate material comprising: a sheet roller 5 configured to rotate about a first axis and having a circumference and a surface layer; and a plurality of salient members 6, 8, 9 disposed on the surface layer to extend along the first axis at intervals about the circumference. The salient members are configured to cause a fold line to form across a width of said substrate material substantially perpendicular to a direction of travel of said substrate material.

Salient members (vertical portions of 6 in Fig. 1) have a substantially rectangular cross section as recited in claim 3, 11, and 19. Salient members 9 have a substantially circular cross section as recited in claims 7 and 15.

With regard to claims 2, 10, and 18, note that the elements 6 and 9 are hatched to indicate a metal.

With regard to claim 4, 12, and 19, note the rounded corner (element 8 and on element 7 adjacent to element 8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 10, 12-14, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomi (U.S. Pat. No. 4,394,949).

Gomi is described above. Note that Gomi discloses that the rollers and salient members are formed of plastic (col. 4, lines 40-41).

Gomi does not explicitly state that the salient members comprise a material selected from the group consisting of resins, metals, and paper.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the salient members of a resin since it is old and well known to form plastic elements of resins (e.g., thermoplastic resins) to facilitate manufacture and minimize cost of the elements.

With regard to claim 4, it would have been obvious to round corners of the salient members since it is old and well known to do so to eliminate sharp edges that may be hazardous and to facilitate molding of plastic parts.

With regard to claims 5 and 6, it would have been a matter of obvious engineering choice to make the radii of the rounded corners in the claimed ranges since a wide range of values including those in the claimed ranges would have been clearly acceptable for the purpose set forth above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Storck (U.S. Pat. No. 993,732), Linn (U.S. Pat. No. 4,202,719), Carlsson (U.S. Pat. No. 4,351,461), Carlsson (U.S. Pat. No. 4,401,250), and Ramsay et al (U.S. Pat. No. 4,998,657) are cited to show rollers having fold forming or engaging projections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*sjh*  
sjh  
1/10/06

*Kathy Matecki*  
**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**